



IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Group Art Unit 3641  
Examiner Edward A. Miller

SEAN P. BURNS, et al.

REQUEST FOR RECONSIDERATION

Serial No. 09/638,606

Filed August 15, 2000

For: SELECTIVE NON-CATALYTIC REDUCTION  
(SNCR) OF TOXIC GASEOUS EFFLUENTS  
IN AIRBAG INFLATORS /

September 23, 2002

Box Nonfee  
Assistant Commissioner For Patents  
Washington, D. C. 20231

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Sir:

Responsive to the office action mailed on August 23, 2002 (paper No. 8), having a one-month period of response, applicants appreciate the opportunity to augment the response filed on April 26, 2002.

In accordance with the examiner's comments, applicants have previously stated how the claims avoid the prior art. Namely, the prior art cited, WO 98/06682 does not anticipate the present invention under 35 U.S.C. 102(b) or 103(a) because each of claims 3 and 13-33 have either inherent or explicit basis in the priority application (U.S. application serial no. 08/695,954) filed on August 12, 1996. As such, WO 98/06682 having the same priority date as the present application simply does not qualify as prior art.

Specifically, each claim has at least the following basis in U.S. application serial no. 08/695,954:

Claim 3

Original Claim 7

Claim 13

Original Claims 3 and 1

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in an envelope with sufficient postage as first class mail addressed to: Box Non-Fee Amendment Assistant Commissioner For Patents, Washington, D.C. 20231, on September 23, 2002.

Name of person mailing: C. Gail Boes

Signature: C. Gail Boes

Date 9/23/02

Claim 14	Original Claims 3 and 2, inherent as found in specification, see page 1, lines 25-35; also inherent as known in the art
Claim 15	Original Claims 3 and 7
Claim 16	Original Claims 3, 7, and 1
Claim 17	Original Claims 3, 7, and 2
Claim 18	Original Claim 8
Claim 19	Original Claim 9
Claim 20	Original Claim 10
Claim 21	Original Claim 1
Claim 22	Original Claim 2
Claim 23	Original Claim 1
Claim 24	Original Claims 1 and 2
Claim 25	Original Claim 1
Claim 26	Original Claim 1
Claim 27	Original Claims 1 and 2
Claim 28	Original Claims 1 and 2
Claim 29	Original Claim 1
Claim 30	Original Claim 2
Claim 31	Original Claim 1
Claim 32	Original Claim 2
Claim 33	Original Claim 2

Applicants further appreciate the examiner's comments relative to *In re Lukach* and *In re DeSeversky*. Applicants understand the cases to represent the proposition that mere mentioning of a reference does not affirmatively incorporate that reference within the subject application. Applicants nevertheless believe that the breadth of the present application is at least the breadth of the priority application relied upon and that all claims as given above have a priority basis in the parent application. The examiner alludes to the idea that the present

application is narrower than the priority application. Applicants respectfully traverse this assertion, for as stated above, the application enjoys priority from the priority application not only given the explicit basis given above, but also given the inherent basis by what was known in the art at the time of filing the parent application. Applicants have augmented the parent application to better describe the invention, but still understand the earlier invention to contain the requisite subject matter for priority purposes of the present invention.

Finally, applicants would cite MPEP 2133.01 and *Paperless Accounting v. Bay Area Rapid Transit System* also cited therein. That case stands for the proposition that a CIP may be rejected by its priority document if the claims in the CIP do not have a basis in the priority document or parent application. As stated above, applicants believe the opposite is true in the present application and therefore respectfully traverse the examiner's rejections on that basis.

Applicants have earnestly attempted to respond to the pending office action and would appreciate a call from the examiner should further clarification be desired. Accordingly, applicants respectfully traverse the rejections of claims 3 and 13-33 and request the examiner's reconsideration thereof. For each pending claim has a basis in the parent application, thereby obviating the rejections predicated on WO 98/06682 and nullifying the same as a prior art reference.

Applicants have calculated no additional charge to be due in connection with this paper. The Commissioner is authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 04-1311. A duplicate copy of the first page of this transmittal is also enclosed.

Respectfully submitted,

Date 9/23/02

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